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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :

Dyor, Matthew G.

Serial No.: 09/749,732

Filed: December 28, 2000

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Group Art Unit: 2172

Examiner: J. B. Fleurantin

For: **System and Method for Managing Personal Information**

APPEAL BRIEF

This is Applicants' Appeal Brief in connection with the above-captioned patent application. A Notice of Appeal was filed on January 26, 2004. Each item required by 37 C.F.R. § 1.192 is set forth below.

Pursuant to 37 C.F.R. § 1.192(a), a check in the amount of \$165.00 is enclosed for the small entity fee for filing an appeal brief pursuant to 37 C.F.R. §1.17(f).

REQUIREMENTS OF 37 C.F.R. § 1.192(c)

(1) Real Party in Interest

The real party in interest is Matthew G. Dyor, 10 W. Spring Street, Alexandria, VA 22301-2451.

(2) Related Appeals and Interferences

To best of Appellants' knowledge, there are no related Appeals or Interferences.

(3) Status of Claims

Claims 3-22 are pending in the above-captioned application. Claims 18-22 are withdrawn as subject to a restriction requirement. Claims 3-17 have been rejected. Specifically, claims 3-17 have been rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,067,548 to Cheng (Cheng) in view of U.S. Patent No. 6,463,461 to Hanson et al (Hanson).

Claims 3-17 are being appealed.

(4) Status of Amendments

No amendments to the claims have been filed subsequent to the final rejection dated November 4, 2003.

(5) Summary of Invention

Appellant has developed a system and method for managing personal information. with increased efficiency and flexibility. In one embodiment, the system includes a group website tier 100 made up of a plurality of group website objects 110, 134, a group tier 102 made up of a plurality of group objects 112, 124, a user tier 104 made up of a plurality of user objects 114, 118, 126, 130, a first set of relationships 101 that define relationships between the group website objects and the group objects, and a second set of relationships 103 that define relationships between the group objects and the user objects. Additionally, the first set of relationships 101 may include a first type of relationships 111 that define which group objects 112, 124 have access to each of the plurality of group website objects 110, 134, and a second type of relationships 123 that define which group objects 112, 124 appear as content for each of the plurality of group website objects 110, 134. See, e.g., abstract, pages 14 and 15, and Fig. 1.

Specifically, group objects 112, 124 may be granted access to a number of group website objects 110, 134 and appear as content for a number of group website objects 110, 134. Similarly, group website objects 110, 134 may have a number of access member groups and a number of content member groups. A group may be a content member and an access member of a group website, in which case members of the group have access to the group website and the group members' associated profiles appear as content on the group website. Additionally, a group may be a content member only, in which case the group members do not have access to the group website, but the group members' associated profiles do appear as content on the group website. Similarly, a group may be an access member only, in which case the group members' associated profiles do not appear as content on the group website, but the group members do have access to the group website. **Accordingly, the system enables permissions to a group website and the profile content of a group website to be controlled based on the content member groups and access member groups of the group website.** Furthermore, because a group website object may comprise multiple access and/or content group objects, complex permission and content schemes may be implemented.

By having both access and content type relationships between group objects and group website objects, the present invention provides a personal information management system with increased administrative efficiency and security.

(6) Issues

The issue on appeal is as follows.

(a) Whether claims 3-17 are unpatentable under 35 U.S.C. § 103 over Cheng in view of Hanson.

(7) Grouping of Claims

Group I: Claims 3-17.

All claims stand or fall together.

(8) Arguments

The rejections against all of the pending claims under consideration in the above-captioned patent application should be reversed for the reasons set forth below.

A. Claims 3-17 Are Patentable under 35 U.S.C. §103 over Cheng in view of Hanson.

The rejection of claims 3-17 under 35 U.S.C. § 103 as being unpatentable over Cheng in view of Hanson should be reversed. First, this rejection is improper because the asserted combination, even if it were considered to be properly made, fails to disclose every claimed limitation. Second, there is no suggestion to combine the references.

i. The Combination Asserted By The Office Action Fails to Disclose Every Feature of Claims 3-17.

Even assuming, *arguendo*, that Cheng could be properly combined with Hanson, the combination fails to disclose each limitation of claims 3-17. The Examiner Asserts:

Hanson discloses the server may generate and send an electronic message to selected participants and the server may generate and send an electronic medium stored in the database in response to a first open action of the electronic message by at least one of the selected participants, (see col. 2, lines 39-43), and column 7 lines 40-45. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Cheng and Hanson with a first set of relationships that define relationships between the group website objects and the group objects and a second set of relationships that define relationships between the group objects and the user objects. Final Office Action, Pages 4 and 5.

Neither this section, nor anywhere else in the Final Office Action, has the Examiner addressed the patentable elements that were disclosed in the original claim 3. To clarify this

deficiency, Appellant has provided a modified version of claim 3 that includes references to Figure 1 and Page 16, lines 4-8 of Appellant's disclosure and highlights the elements that are not addressed in either the First or Final Office Action.

Claim 3 (with annotations/no intent to amend) A system for managing personal information comprising:

- a group website tier **100** comprising a plurality of group website objects **110, 134**;
- a group tier **102** comprising a plurality of group objects **112, 124**;
- a user tier **104** comprising a plurality of user objects **114, 118, 126, 130**;
- a first set of relationships **101** that define relationships between the group website objects and the group objects, wherein the first set of relationships comprises:
 - a **first type of relationships 111 that define which group objects have access to each of the plurality of group website objects; and**
 - a **second type of relationships 123 that define which group objects appear as content for each of the plurality of group website objects; and**
- a second set of relationships **103** that define relationships between the group objects and the user objects.

Accordingly, the first set of relationships 101 includes two different types of relationships: access 111 and content 123. The Examiner has only asserted that Cheng and Hanson could be modified to include “a first set of relationships that define relationships between the group website objects and the group objects” which would read on element 101 and “a second set of relationships that define relationships between the group objects and the user objects” which would read on element 103. There is simply nothing relating to the two distinct types of relationships (content 111 and access 123) between group website objects and group objects.

The meaning of these different types of relationships is explicitly claimed in claim 3, which states: a first type of relationships **111** that define which group objects have access to each of the plurality of group website objects and a second type of relationships **123** that define which

group objects appear as content for each of the plurality of group website objects. Contrary to the invention proposed in the Office Action, **both the first (111) and second (123) type of relationship are between the group tier and the group website tier (depicted at 101).**

Appellant raised the issue that the Examiner had failed to even mention elements explicitly claimed in claim 3 in the Response to the First Office Action. Specifically, Appellant stated

The relationships disclosed by Cheng are distinctly different than the types of relationships claimed in claim 3. In particular, Cheng's relationships address neither "which group objects have access to each of the plurality of group website objects" nor "which group objects appear as content for each of the plurality of group website objects." Instead, Cheng's relationships merely define relationships between objects, and the rights defined by these relationships are not addressed. Furthermore, as indicated by the Examiner, Cheng fails to teach the type of objects being related. Accordingly, Cheng fails to teach or suggest "a first type of relationships that define which group objects have access to each of the plurality of group website objects; and a second type of relationships that define which group objects appear as content for each of the plurality of group website objects."

Hanson fails to make up for the deficiencies of Cheng. In fact, Hanson does not address any type of explicit relationship between any two types of objects, so it is not possible for Hanson to disclose Applicant's unique relationship types that define content and access relationships between group objects and group website objects. Accordingly, Hanson also fails to teach or suggest "a first type of relationships that define which group objects have access to each of the plurality of group website objects; and a second type of relationships that define which group objects appear as content for each of the plurality of group website objects."

The Office Action was silent as to the two distinct types of relationships between group website objects and group objects in the First Office Action, and the Examiner has failed to address this limitation in the Final Office Action as well. Accordingly, because an explicitly claimed element of two different types of group to group website relationships has not been as much as mentioned in either the First Office Action or the Second Office Action, and because the

relied upon references fail to teach (or even suggest) the claimed element, claim 3 is clearly patentable over the prior art of record. Similarly, claims 4-17, which depend on claim 3, are also patentable for at least this reason.

ii. There is No Suggestion To Combine These Multiple References

The Examiner has asserted a combination of references in an attempt to arrive at Appellants' claimed invention. That asserted combination is not suggested by the references relied on by the Examiner. The alleged suggestion for the combination of the references is that:

Hanson discloses the server may generate and send an electronic message to selected participants and the server may generate and send an electronic medium stored in the database in response to a first open action of the electronic message by at least one of the selected participants, (see col. 2, lines 39-43), and column 7 lines 40-45. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Cheng and Hanson with a first set of relationships that define relationships between the group website objects and the group objects and a second set of relationships that define relationships between the group objects and the user objects. Final Office Action, Pages 4 and 5.

Here, the Examiner is not asserting that either Cheng or Hanson teaches the claimed first and second types of relationships, but has instead argued that it would have been obvious to "modify the combined teachings of Cheng and Hanson" without any indication as to which reference is being relied upon for the suggestion or motivation to modify the combined teachings. Put another way, the Office Action does not state that "it would have been obvious to modify Cheng based on the suggestion or motivation provided by Hanson" but instead states that it would be obvious to modify the "**combined teachings** of Cheng and Hanson" to attempt to arrive at the Appellant's claimed invention. In fact, it seems that the Examiner is making an

obviousness rejection based on three references, but has only identified two of the references (Cheng and Hanson) in the Office Action.

Furthermore, even the alleged motivation is not proper, and is no more than a conclusory statement that “[s]uch modification would allow the teachings of Cheng and Hanson to improve the accuracy and the reliability of the system and method for managing personal information, and to provide the highest quality service based upon the participant’s email application capabilities.” How does the inclusion of “a first type of relationships that define which group objects have access to each of the plurality of group website objects; and a second type of relationships that define which group objects appear as content for each of the plurality of group website objects” increase the accuracy of the Cheng system (or the combined teachings of Cheng and Hanson)? Similarly, how does the inclusion of content and access type relationships between groups and group websites provide the highest quality service based upon the participant’s email application capabilities? Turning to the Office Action, the Examiner states that the group tier is taught by “a support collaborative computing between users within a computer system network” and a group website tier is taught by “a network for an organizational database to support collaborative computing between users within a computer network.” Appellant argues that the correlation between the claimed invention and the Cheng system are inappropriate to begin, but then extending the rejection to argue that there is some suggestion to modify the system to include access and content relationships between “a support collaborative computing” and “a network for an organizational database” is both unsupported and illogical.

For at least the foregoing reasons, the rejection of claims 3-17 based on Cheng in view of Hanson should be reversed.

(9) Appendix

CLAIMS

- 3 A system for managing personal information comprising:
- a group website tier comprising a plurality of group website objects;
 - a group tier comprising a plurality of group objects;
 - a user tier comprising a plurality of user objects;
 - a first set of relationships that define relationships between the group website objects and the group objects, wherein the first set of relationships comprises:
 - a first type of relationships that define which group objects have access to each of the plurality of group website objects; and
 - a second type of relationships that define which group objects appear as content for each of the plurality of group website objects; and
 - a second set of relationships that define relationships between the group objects and the user objects.
- 4 The system of claim 3, wherein the second set of relationships comprises a third type of relationship that defines which user objects are members of each of the plurality of group objects.
- 5 The system of claim 4, wherein each of the objects comprises an administrator group object attribute that determines an administrator group object that has rights to modify relationships and attributes associated with the object.

6 The system of claim 5, further comprising a profile tier comprising a plurality of profile objects, wherein each of the profile objects comprises:

an associated user object attribute that determines with which user object a profile object is associated;

an administrator group object attribute that determines an administrator group object that has rights to modify relationships and attributes associated with the object, and

a plurality of personal information attributes.

7 The system of claim 3, further comprising:

a profile tier comprising a plurality of profile objects , wherein each of the profile objects comprises an associated user object attribute, an administrator group object attribute, and a plurality of personal information attributes.

8 The system of claim 7, wherein the system is configured to dynamically determine access rights to information in the profile tier based on:

a first set of groups to which the active user is a member;

a set of group websites to which the first set of groups has access;

a second set of groups that are content members of the set of group websites; and

a set of profiles which are associated with the second set of groups, wherein the active user has access rights to the set of profiles.

9 The system of claim 3, wherein the first set of relationships defines a many to many relationship between group tier and group website tier.

10 The system of claim 3, wherein each of the plurality of database records comprises a group website identifier, a group identifier, and a relationship type such that a first collection of relationships comprise access relationships and a second collection of relationships comprise content relationships.

11 The system of claim 3, wherein:

a first group is an access member of a first group website and a second group is a content member of the first group website; and

the system is configured to grant access to the first website to members of the first group and deny access to the first group website to members of the second group, and to present only those profiles associated with the second group.

12 The system of claim 3, wherein:

an active user has rights to create a collection of group website objects and a collection of group objects, wherein objects created by the active user are referred to collectively as the created objects;

the active user has rights to designate an administrative group for each of the created objects;

the active user has rights to establish relationships between any two objects for which the active user has administrative rights;

the active user does not have rights to establish relationships between any two objects wherein the active user does not have administrative rights over at least one of the two objects; and

the active user has rights to establish an invitation between a first object for which the active user has administrative rights and a second object for which the active user does not have administrative rights, wherein a second user that has administrative rights over the second object has rights to accept the invitation.

13 The system of claim 12, further comprising a relationship manager configured to create the first and second set of relationships and further configured to determine an active user's administrative rights.

14 The system of claim 13, wherein the relationship manager is configured to create the second set of relationships by:

generating an invitation to join a group based on input from a user having administrative rights over the group; and

creating a relationship when the invitation is selectively accepted by an invited user, wherein said relationship comprises a profile object identifier.

15 The system of claim 13, wherein the relationship manager is configured to create the second set of relationships by:

generating a request to join a group based on input from a requesting user; and

creating a relationship when the request is selectively accepted by a user having administrative rights over the group.

16 The system of claim 13, wherein the relationship manager is configured to create the first set of relationships by:

determining administrative rights to a group website object and a group object;

enabling an active user to add a group object to a group website object when the active user has administrative rights over the group object and the group website object;

enabling an active user to invite a group object to a group website object when the active user has administrative rights over the group website object and does not have administrative rights over the group object; and

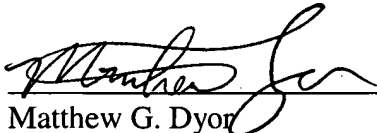
enabling an active user to request group membership to a group website object when the active user has administrative rights over the group object and does not have administrative rights over the group website object.

17 The system of claim 3, wherein at least one of the user objects comprises a first password having a first set of rights and a second password having a second set of rights.

CONCLUSION

For at least the foregoing reasons, all of the rejections of claims 3-22 should be reversed.

Respectfully submitted,

By: 
Matthew G. Dyor
Registration No. 45,278

Matthew G. Dyor

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